

FILED

DEC 04 2013


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

RICHARD PENEUX,

Defendant.

*
*
*
*
*
*
*
*
*

CR 13-30156-RAL

OPINION AND ORDER
ADOPTING REPORT AND
RECOMMENDATION AND
DENYING MOTION
TO SUPPRESS

The Government charged Richard Peneaux with sexual abuse of a minor. Doc. 1. Peneaux filed a motion to suppress statements he made during an interview with law enforcement officers. Doc. 26. Magistrate Judge Mark A. Moreno held an evidentiary hearing during which he received a recording of the interview and heard testimony from two law enforcement officers. On November 13, 2013, Judge Moreno issued a Report and Recommendation recommending denial of Peneaux's motion. Doc. 38.

This Court reviews a report and recommendation pursuant to the statutory standards found in 28 U.S.C. § 636(b)(1), which provides in pertinent part that “[a] judge of the [district] court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” “In the absence of an objection, the district court is not required ‘to give any more consideration to the magistrate’s report than the court considers appropriate.’” United States v. Murillo-Figueroa, 862 F. Supp. 2d 863, 866 (N.D. Iowa 2012) (quoting Thomas v. Arn, 474 U.S. 140, 150 (1985)).

Here, Peneaux has not filed any objections to the Report and Recommendation and the fourteen days for doing so has passed. Accordingly, this Court has reviewed the Report and Recommendation under a clearly erroneous standard of review. See Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam) (explaining that when no objections are filed and the time for filing objections has expired, the district court “would only have to review the findings of the magistrate judge for clear error”). Finding no clear error, this Court adopts the Report and Recommendation.

For the foregoing reasons, it is hereby

ORDERED that Peneaux's Motion to Suppress Statement, Doc. 26, is denied. It is further

ORDERED that the Report and Recommendation, Doc. 38, is adopted.

Dated December 4, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Roberto A. Lange", is written over a horizontal line.

ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE